

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

DR. WARREN G. ROBERTS, M.D.
F.A.A.N.S., an individual, and **ASPEN**
SPINE AND NEUROSURGERY
CENTER, P.C., an Oregon professional
corporation,

Plaintiffs,

v.

LEGACY MERIDIAN PARK
HOSPITAL, INC., an Oregon non-profit
corporation, d/b/a **LEGACY MERIDIAN**
PARK MEDICAL CENTER, an Oregon
assumed business name; **DR.**
FRANCISCO X. SOLDEVILLA, M.D.,
an individual; **NORTHWEST**
NEUROSURGICAL ASSOCIATES
LLC, an Oregon limited liability
company; **DR. ROBERT L. TATSUMI,**
M.D., an individual; **DR. TIMOTHY L.**
KEENEN, M.D., an individual;
PACIFIC SPINE SPECIALISTS, LLC,
an Oregon limited liability company; **DR.**
ANDREW B. CRAMER, M.D., an
individual; and DOES 1-5,

Defendants.

Case No. 3:13-cv-01136-SI

**ORDER GRANTING PLAINTIFFS'
MOTION FOR A TEMPORARY
RESTRAINING ORDER**

The Court, having considered Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction (Dkt. No. 162), the opposition submitted by defendant Legacy Meridian Park Hospital ("Meridian Park"), the opposition submitted by defendant Dr. Robert L. Tatsumi, Plaintiffs' reply in support of the motion, and all declarations and evidence submitted in support thereof, and upon hearing oral argument of the counsel present, hereby enters the following Order:

1. Plaintiffs' motion for a temporary restraining order is hereby GRANTED in part, on the terms and conditions set forth in this Order;

2. Meridian Park may require, if it so chooses, that if plaintiff Dr. Warren G. Roberts performs surgeries at Meridian Park or at any other Legacy hospital, that such surgeries shall be done in the presence of a proctor selected by Meridian Park;

3. Meridian Park may choose an individual or individuals to be the proctor if (a) Meridian Park considers the individual qualified, and (b) the individual is not a named defendant in this or any related lawsuit between Meridian Park and Plaintiffs;

4. The proctoring requirement and service of a proctor will be at Meridian Park's sole expense;

5. The proctor will follow Meridian Park's normal proctoring procedure;

6. Dr. Roberts will not perform any surgeries prior to Wednesday, July 29, 2015, will provide Meridian Park with a schedule of all currently scheduled surgeries, and will provide one-week advance notice of any new surgeries scheduled at any Legacy hospital;

7. If Meridian Park does not provide a proctor for any particular surgery, Dr. Roberts may perform that surgery without proctoring;

8. Dr. Roberts and the proctor will cooperate with each other in good faith;

9. This temporary restraining order will remain in effect for fourteen (14) days unless otherwise agreed to by the parties and approved by the Court. In any event, this Order shall last no longer than the duration of this litigation. The parties may elect, upon 14 days

advance notice, to cause the Court to terminate the order or request a hearing on a preliminary injunction; and

10. Plaintiffs are required to post a bond in the amount of \$2,000 pursuant to Rule 65(c) of the Federal Rules of Civil Procedure as security for this temporary restraining order.

Dated this 22nd day of July, 2015

/s/ Michael H. Simon

The Honorable Michael H. Simon
United States District Court

Submitted By:

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